BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

A Resolution of the City Council of the City of Lafayette Approving the Adoption of a Policy for the Distribution of Tickets and Passes	))))	Resolution 2009-18

WHEREAS, every California city by and through its governing body and other public officials, is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution; and

WHEREAS, from time to time, the City of Lafayette ("City") has received "tickets or passes" from third party sources, both public and private; and

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1, these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, on December 11, 2008, the California Fair Political Practices Commission ("FPPC") adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to disclosed by the City and the circumstances they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the City, provided that the determination is consistent with state law; and

WHEREAS, the City desires to adopt a policy to prohibit the receipt of any and all tickets and/or passes from any third party source and provide for the distribution of tickets and passes that are obtained by the City pursuant to the terms of a contract for use of public property; because the City controls the event; or that are purchased by the City.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. **Adoption of Policy For Tickets**. The City Council of the City of Lafayette hereby adopts the City of Lafayette Tickets and Passes Distribution Policy ("Policy") attached hereto as Exhibit "A," with respect to tickets or passes obtained by the City pursuant to the terms of a contract for use of public property; because the City controls the event, or that are purchased by the City at fair market value.

Section 2. **Adoption of Policy For Gratuitous Tickets**. The City of Lafayette shall not accept tickets or passes, as defined under Title 2 of the California Code of Regulations, Section 18944.1, which are provided gratuitously from any third party sources, public or private.

Section 3. **Policy For Tickets Inapplicable**. A ticket or pass provided to a City official, as defined in the Policy, by a source other than the City for his or her admission to an event at which the City official performs a ceremonial role or function on behalf of the City is not a gift to the City official.

Section 4. **Effective Date**. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the City Council at a meeting of said Council on April 27, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Joanne Robbins, City Clerk

APPROVED:

Don Tatzin, Mayor

Exhibit "A"

City of Lafayette Tickets and Passes Distribution Policy

CITY OF LAFAYETTE
TICKETS AND PASSES DISTRIBUTION POLICY

PURPOSE: To establish a policy in accordance with the requirements and limitations of California Code of Regulations, title 2, section 18944.1, for the acceptance and/or distribution of tickets and/or passes by or at the request of a City of Lafayette ("City") official or employee ("City Official") to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose made available to or for the City. This Policy is to ensure that all tickets and/or passes shall be distributed in furtherance of the governmental and/or public purposes described herein. Proper approval shall be obtained prior to acceptance of such tickets and/or passes. All tickets and/or passes to these types of events, which the City obtained pursuant to the terms of a contract for use of public property, because the City controls the event, or that are purchased by the City at fair market value, shall be accounted for in accordance with the procedures set forth within this Policy.

POLICY: The City finds that the receipt of all such tickets and/or passes are public resources. The City desires to distribute these public resources in a manner that furthers its governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities. The City declares that these types of tickets and/or passes may only be distributed in accordance with this Policy. Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by a City Official not in conformance with this Policy remains subject to separate disclosure requirements on the City Official's Statement of Economic Interests ("Form 700") and the Political Reform Act's annual gift limit.

This Policy shall only apply to the City's distribution of tickets and/or passes to, or at the behest of, a City Official for which no consideration of equal or greater value is provided by the City Official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this Policy. Tickets provided to City Officials as part of their official duties, or tickets provided so that the City Official may perform a ceremonial role or function on behalf of the City shall not be subject to this Tickets and Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements. However, this exemption shall only apply to the benefits received by the City Official by the admission and not any other benefit the City Official may receive that are not included with admission, such as food or beverages, or any other item presented to the City Official at the facility, event, show or performance at which the City Official shall perform a ceremonial role or function on behalf of the City.

I. Tickets and/or Passes Obtained by the City

A. Definition: Tickets and passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose. (Cal. Code Regs., tit. 2, § 18944.1.)

B. Responsibility: The City Clerk or his or her designee shall be responsible for managing all tickets and/or passes obtained pursuant to the terms of a contract for use of public property, because the City controls the event, or that are purchased by the City at fair market value, and for the accounting and inventory of all such tickets and/or passes.

II. Procedures

A. Public Purpose. The City shall only provide a ticket and/or pass to a City Official, or at the behest of, a City Official for the following public and governmental purposes:

1. Promotion of local and regional businesses and economic development within the City, including conventions and conferences.

2. Promotion of City-controlled or sponsored events, activities, or programs.

3. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.

4. Marketing promotions highlighting the achievements of local residents and businesses.

5. Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.

6. Promotion of public facilities available for City resident use.

7. Promotion of City growth and development, including economic development and job creation opportunities.

8. Promotion of City landmarks and/or community events.

9. Promotion of special events in accordance with any City contract.

10. Exchange programs with foreign officials and dignitaries.

11. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.

12. Promotion of open government by City Official appearances, participation and/or availability at business or community events.

13. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.

14. All written contracts where the City, as a form of consideration, has required that a certain number of tickets or suites be made available for its use.

15. Employment retention programs.

16. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.

17. Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.

18. Any purpose similar to above included in any City contract.

C. Return of Tickets. Any City Official may return any ticket unused to the City for redistribution pursuant to this Policy.

D. Transfer Prohibition. The transfer by any City Official of any tickets and/or passes distributed pursuant to this Policy to any other person, except to members of the public official's immediate family solely for their personal use, is prohibited.

E. Website Posting. This Policy shall be posted on the City's website in a prominent fashion.

F. City Reporting. The distribution of tickets or passes pursuant to this Policy shall be posted on the City's website in a prominent fashion within thirty (30) days after the ticket distribution and shall include all the information as required under section 18944.1 of title 2 of the California Code of Regulations. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.